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FILED FOR THE COURT

ATTORNEYS FOR DEFENDANTS ISABELLA'S AT  
WHARFSIDE, INC., TENE SHAKE, FISHERMAN'S WHARF  
COMPANY, LP, CHRIS SHAKE, WHARFSIDE  
RESTAURANT, INC., ANTHONY J. PALMA, NATALIE  
PALMA, AND PALMA/WHARFSIDE LTD

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TIMOTHY CLEVELAND,

Plaintiff,

v.

ISABELLA'S AT WHARFSIDE, INC., dba  
ISABELLA'S RESTAURANT; TENE  
SHAKE; CITY OF MONTEREY;  
FISHERMAN'S WHARF COMPANY, LP;  
CHRIS SHAKE, individually and dba  
FISHERMAN'S WHARF COMPANY, LP;  
WHARFSIDE RESTAURANT, INC.;  
ANTHONY J. PALMA, individually and dba  
WHARFSIDE RESTAURANT; NATALIE  
PALMA, individually and dba WHARFSIDE  
RESTAURANT; SALVATORE RAPPA,  
individually and dba WHARFSIDE  
RESTAURANT; JOSEPHINE RAPPA  
individually and dba WHARFSIDE  
RESTAURANT; PALMA/WHARFSIDE,  
LTD. ; and DOES 1-10, inclusive,

Defendants.

CASE NO. C09-2376 RMW (PSG)

STIPULATION AND ORDER  
OF VOLUNTARY DISMISSAL WITH  
PREJUDICE OF DEFENDANTS  
ISABELLA'S AT WHARFSIDE, INC., DBA  
ISABELLA'S RESTAURANT; TENE  
SHAKE; CITY OF MONTEREY;  
FISHERMAN'S WHARF COMPANY, LP;  
CHRIS SHAKE, INDIVIDUALLY AND  
DBA FISHERMAN'S WHARF COMPANY,  
LP; WHARFSIDE RESTAURANT, INC.;  
ANTHONY J. PALMA, INDIVIDUALLY  
AND DBA WHARFSIDE RESTAURANT;  
NATALIE PALMA, INDIVIDUALLY AND  
DBA WHARFSIDE RESTAURANT;  
SALVATORE RAPPA, INDIVIDUALLY  
AND DBA WHARFSIDE RESTAURANT; J.  
PALMA/WHARFSIDE, LTD. BY  
PLAINTIFF TIMOTHY CLEVELAND

WHEREAS, on March 14, 2012, the Honorable Ronald M. Whyte ordered attorneys fees and  
costs to be awarded to Plaintiff Timothy Cleveland as the prevailing party in the above-entitled  
Case No. C09-2376 RMW, and whereas those fees and costs have been paid by Defendants and

received by Plaintiff's counsel before May 5, 2012, in full satisfaction of the March 14, 2012 Court Order and by agreement of the parties.

THEREFORE, IT IS HEREBY STIPULATED pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, by Plaintiff Timothy Cleveland, Defendants Isabella's at Wharfside, Inc., dba Isabella's Restaurant, Tene Shake,, Fisherman's Wharf Company, LP, Chris Shake, individually and dba Fisherman's Wharf Company, LP; Wharfside Restaurant, Inc.; Anthony J. Palma, individually and dba Wharfside Restaurant; Natalie Palma, individually and dba Wharfside Restaurant; Palma/Wharfside, Ltd.,("The Isabella defendants"), and the City of Monterey that, pursuant to the provisions of Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, this action and all claims stated within this action should be dismissed with prejudice.

SO STIPULATED:

DATED: JUNE 4, 2012

STUBBS & LEONE

BY: /S/ CLAUDIA LEED  
CLAUDIA LEED  
ATTORNEYS FOR DEFENDANT THE CITY OF  
MONTEREY

DATED: JUNE 4, 2012

BERLINER COHEN

BY: /S/ FRANK R. UBHAUS  
FRANK R. UBHAUS  
MARY KATHARINE WILSON  
ATTORNEYS FOR THE ISABELLA  
DEFENDANTS.

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LAW OFFICE OF PAUL L. REIN

DATED: MAY 16, 2012

BY: /S/ PAUL L. REIN

PAUL L REIN  
CELIA MCGUINNESS  
CATHERINE M. CABALO  
ATTORNEYS FOR PLAINTIFF  
TIMOTHY CLEVELAND

IT IS SO ORDERED

Dated: 16<sup>th</sup> May 2012



RONALD M. WHYTE, UNITED STATES DISTRICT  
JUDGE FOR THE NORTHERN DISTRICT OF  
CALIFORNIA